

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOHN H. WHITE,**

**Plaintiff,**

**9:14-cv-2  
(GLS/DJS)**

**v.**

**JOEY DISHAW,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

John H. White  
Pro Se  
08-A-3366  
Mid-State Correctional Facility  
P.O. Box 2500  
Marcy, NY 13403

**FOR THE DEFENDANT:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
The Capitol  
Albany, New York 12224

BRIAN W. MATULA  
Assistant Attorney General

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

On June 20, 2017, Magistrate Judge Daniel J. Stewart filed a Report-

Recommendation and Order (R&R), which recommends that defendant's motion for summary judgment be granted for failure to exhaust administrative remedies. (Dkt. No. 212.) White thereafter sought and was granted additional time to file objections. (Dkt. Nos. 213, 214.) Pending before the court are White's objections. (Dkt. No. 217.)<sup>1</sup>

White objections, which consist of both generalized gripes and specific arguments as to why Judge Stewart's recommendation is incorrect, (*id.*), have been carefully reviewed. While the general objections trigger review for clear error only, the specific objections require the court to consider the arguments *de novo*. See *Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*5-\*6 (N.D.N.Y. Jan. 18, 2006). Having also carefully considered the R&R in light of White's objections, the court sees no reason to repeat what is said there in conducting a *de novo* review because this court reaches the same conclusions as those reached by Judge Stewart: White had available remedies to exhaust and failed to do so. See *Ross v. Blake*, 136 S. Ct. 1850, 1858-62 (2016). Accordingly,

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<sup>1</sup> Within his objections, White seeks recusal of both Judge Stewart and this court "for ongoing falsifications & denials of due process." (Dkt. No. 217 at 4.) Finding no merit whatsoever in White's assertion and in consideration of the appropriate statutes, see 28 U.S.C. §§ 144, 455, White's request is DENIED.

the R&R, (Dkt. No. 212), is adopted in its entirety.

Accordingly, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 212) is **ADOPTED** in its entirety; and it is further

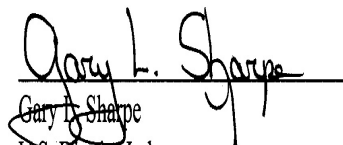
**ORDERED** that defendant's motion for summary judgment (Dkt. No. 196) is **GRANTED** and the complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED** that the Clerk is directed to close this case; and it is further

**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

September 27, 2017  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge